

Stephen C. Tedesco, Bar No. 130325
stedesco@littler.com
LITTLER MENDELSON
A Professional Corporation
650 California Street, 20th Floor
San Francisco, CA 94108.2693
Telephone: 415.433.1940
Facsimile: 415.399.8490

Attorneys for Plaintiff
MODIS, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MODIS, INC.,

Plaintiff,

v.

MATTHEW CHUMMERS, EMBEDDED
RESOURCE GROUP, INC., and DOES 1-
100, inclusive,

Defendants.

Case No. 10-CV-05332-MEJ

**STIPULATION AND ~~[PROPOSED]~~ ORDER
FOR REMAND**

Plaintiff MODIS, INC. ("Plaintiff") and Defendants MATTHEW CHUMMERS and
EMBEDDED RESOURCE GROUP, INC. (collectively "Defendants"), by and through their
attorneys of record, hereby stipulate and agree as follows:

WHEREAS Plaintiff commenced this action in the Superior Court of California in
the County of San Francisco ("State Court") as Case Number CGC-10-504777 on October 21, 2010
("State Court Action"); and

WHEREAS Defendant Embedded Resource Group, Inc. was at the time the State
Court Action was commenced and at the time of removal, incorporated in the State of California
with its principal place of business in the State of California; and

WHEREAS Defendant Matthew Chummers was at the time the State Court Action

1 was commenced and at the time of removal, a resident and citizen of the State of California; and

2 **WHEREAS** Defendants removed this action to this Court on November 24, 2010 on
3 the basis that diversity jurisdiction existed; and

4 **NOW THEREFORE,**

5 **THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:**

6 1. That, the parties agree to remand this case to State Court for further
7 proceedings; and

8 2. That any court hearings and pending deadlines are taken off calendar in this
9 Court.

10
11 Dated: December 22, 2010

12
13 /s/ Stephen Tedesco
14 STEPHEN C. TEDESCO
15 LITTLER MENDELSON
16 A Professional Corporation
17 Attorneys for Plaintiff
18 MODIS, INC.

19
20 Dated: December 22, 2010

21 /s/ Charles Jung
22 CHARLES H. JUNG
23 NASSIRI & JUNG LLP
24 Attorneys for Defendants
25 EMBEDDED RESOURCE GROUP, INC. and
26 MATTHEW CHUMMERS

ORDER

IT IS SO ORDERED.

January 7, 2011

Dated: ~~December~~ _____, 2010



HON. MARIA-ELENI JAMES
UNITED STATES DISTRICT COURT

Firmwide:99230960.1 004544.1179